

REMARKS

1. Summary of Office Action

In the Office Action mailed April 8, 2005, the Examiner rejected claims 1-20 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,704,282 (Sun et al.) in view of Applicants' Admitted Prior Art (hereinafter "AAPA"). The Examiner has made this Office Action Final.

2. Pending Claims

Now pending in this application are claims 1-20 of which claims 1, 6, 10, 13, and 16-18 are independent.

3. Common Ownership of Application No. 09/923,895 and U.S. Patent No. 6,704,282

Application 09/923,895 and U.S. Patent No. 6,704,282 were, at the time the invention of Application 09/923,895 was made, owned by or subject to an obligation of assignment to 3Com Corporation of Marlborough, MA.

4. Response to §103 Rejections

The Examiner rejected claims 1-20 under 35 U.S.C. §103(a) as being obvious over Sun et al. in view of the AAPA. Since Application 09/923,895 and Sun et al. were, at the time of the invention of Application 09/923,895, commonly owned or subject to an obligation of assignment to 3COM Corporation, and since Application 09/923,895 was filed after November 29, 1999, the Applicants submit that Sun et al. is disqualified as prior art against the invention claimed in Application 09/923,895.

With Sun et al. being disqualified as prior art, the Examiner's rejection of claims 1-20 is based only on the AAPA. In rejecting independent claims 1, 6, 10, 13, and 16-18, the Examiner indicated that the AAPA discloses a communications mechanism where control messages are

exchanged between LNS and LAC, wherein the LAC sends a message to the contact LNS, the message informing the LNS of the availability of the LAC for participating in load balancing (i.e., sending control messages such as Start-Control-Connection-Request (SCCRQ) messages which indicate the LAC is available for load balancing to the contact LNS). Applicants do not concede that the AAPA discloses that which the Examiner indicates is disclosed in the AAPA.

Moreover, there are numerous other differences between the AAPA and the invention claimed in claims 1, 6, 10, 13, and 16-18, such that the AAPA does not teach or suggest each and every element recited in claims 1, 6, 10, 13, and 16-18. For example, the AAPA does not teach or suggest (i) the contact LNS sends a response message containing an Internet Protocol (IP) address of a selected one of the plurality of load balancing LNSs to which the LAC should establish a session, as recited in claim 1, or (ii) receiving from the contact LNS the address of the next available LNS, as recited in claim 6, or (iii) obtaining the next LNS address and providing the next LNS address to the LAC, as recited in claim 10, or (iv) the contact LNS sends a response message to the LAC, the response message containing the IP address of the next LNS, the LAC establishing a connection with the next LNS via the second network, as recited in claim 13, or (v) means for receiving from the contact LNS the address of the next available LNS, as recited in claim 16, or (vi) receiving from the contact LNS the address of the next available LNS, as recited in claim 17, or (vii) second code for receiving from the contact LNS the address of the next available LNS, as recited in claim 18.

Applicants have listed only these differences between the AAPA and the invention claimed in claims 1, 6, 10, 13, and 16-18, so not to belabor the point that the AAPA does not teach or suggest each element of claims 1, 6, 10, 13, and 16-18. Applicants can list the other differences between the AAPA and the claimed invention as well, if the Examiner so desires.


Since Sun et al. is disqualified as prior art against Application 09/923,895, and since the AAPA does not teach or suggest every element recited in claims 1, 6, 10, 13, and 16-18, the Applicants submit that claims 1, 6, 10, 13, and 16-18 are not obvious in view of the AAPA. Further, because each of claims 2-5, 7-9, 11-12, 14-15, and 19-20 depend from either of claims 1, 6, 10, or 13, claims 2-5, 7-9, 11-12, 14-15, and 19-20 are allowable for at least the reason that each of these claims depend from an allowable claim.

5. Conclusion

The Applicants respectfully submit that claims 1-20 are in a condition for allowance, and respectfully request favorable reconsideration and prompt allowance of these claims. If the Examiner would like to discuss this case, the Examiner is encouraged to contact the undersigned at (312) 913-3305.

Respectfully submitted,
MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP

Date: May 18, 2005

By: 
Robert J. Irvine III
Reg. No. 41,865